IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL SIDE JURISDICTION

CHAMBER SUMMONS NO.607 OF 2004
IN
SUIT NO.1008 OF 2000

Mr.Qari Mohammed Zakir Hussain ...Plaintiff
Vs.
F.E.Dinshaw Trust ...Defendants
And
Mr. Nusli Neville Wadia & Ors. ...Applicants (Respondents)

Mr.M.C.Thakker along with Mr.S.B.Amin for Applicants/Defendants

CORAM: ROSHAN DALVI, J.
DATED: 19TH DECEMBER, 2005

P.C.

. The Plaintiffs have sued the Trust as the party Defendant. Since the Trust cannot be sued Plaintiffs to join the members of the Trust as party Defendants.

. Mr. Thakkar contests this chamber summons on the ground that as against the Trust the suit will be barred. In view of the fact that the Trust has been sued, though technically incorrectly, the cause of action has been brought before the Court. Only the title of the Plaint requires correction by addition of names of the Trustees. No suit can be barred on the ground of such a technicality, specially when it is sought to be corrected by the Plaintiffs. Hence, the Chamber Summons is made absolute in terms of prayer

clause (a).

. The Plaintiff to carry out amendment/corrections in the title of the plaint as shown in the schedule to the Chamber Summons within 2 weeks and also correct the copy of the plaint served upon the Defendants within 2 weeks. Chamber summons disposed of accordingly.

(ROSHAN DALVI, J.)